

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al*,

Plaintiffs,

VS.

RICK PERRY, *et al*,

Defendants.

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CIVIL ACTION NO. 2:13-CV-00193

**DEFENDANTS' SECOND AMENDED NOTICE OF INTENTION TO TAKE
ORAL DEPOSITION OF TEXAS ASSOCIATION OF HISPANIC COUNTY
JUDGES AND COUNTY COMMISSIONERS**

To: **Texas Association of Hispanic County Judges and County Commissioners**, by and through its attorney of record, Rolando L. Rios, Milam Building, 115 East Travis, Suite 1024, San Antonio, Texas 78205

Please take notice that on July 14, 2014, beginning at 9:00 A.M., at The Law Office of Ramon Garcia, 222 West University Drive, Edinburg, TX 78539, Defendants the State of Texas, Rick Perry, the Texas Secretary of State¹ and Steve McCraw, by and through the Attorney General for the State of Texas, will take the oral deposition of the Texas Association of Hispanic County Judges and County Commissioners ("Texas Hispanic Judges and Commissioners"), pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure.

This deposition will be recorded by stenographic means, conducted before an individual authorized to administer oaths, and used for any purpose permitted under the Federal Rules of Civil Procedure or court order. The deposition may be

¹ Various complaints identify the Texas Secretary of State as John Steen. The current Secretary of State, however, is Nandita Berry.

videotaped. The deposition will continue from time to time and place to place until concluded.

Texas Hispanic Judges and Commissioners is directed to designate a person or persons to testify on its behalf on the matters identified in Exhibit A hereto.

EXHIBIT A

DEFINITIONS

The following terms have the following meanings, unless the context requires otherwise:

1. You and Your. The terms “you” and “your” means the Texas Hispanic Judges and Commissioners, and its members, agents, representatives, attorneys, experts, and other persons acting or purporting to act on behalf of it. “You” and “your” specifically includes any individual member of the Texas Hispanic Judges and Commissioners, acting in his/her capacity as an individual member of the Texas Hispanic Judges and Commissioners.
2. Relating. The term “relating” means concerning, referring, describing, evidencing, supporting, refuting, or constituting, either directly or indirectly.
3. And & or. The connectives “and” and “or” should be construed either conjunctively or disjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope..
4. Federal Action. The term “Federal Action” means Case 2:13-cv-00263 in the United States District Court for the Southern District of Texas, as consolidated with Case 2:13-cv-00193 in the United States District Court for the Southern District of Texas, and including other cases consolidated with Case 2:13-cv-00193 in the United States District Court for the Southern District of Texas.
5. Federal Complaint. The term “Federal Complaint” means Document 157 in Case 2:13-cv-00193 in the United States District Court for the Southern District of Texas.
6. SB14. The term “SB 14” means Texas Senate Bill 14, 82d Leg., R.S., ch. 123, § 3, 2011 Tex. Gen. Laws 619, including all companion and predecessor bills filed during previous sessions, whether regular or special, of the Texas Legislature, and all alternative bills or proposals, whether filed or not, relating to the use of photographic identification for voting in the state of Texas. However, to the extent SB 14 is referenced in a direct quote from the Federal Complaint, SB 14 shall have the meaning ascribed to it in the Federal Complaint.
7. Parties. The term “plaintiff” or “defendant” as well as a party’s full or abbreviated name or a pronoun referring to a party, means the party and, when applicable, his agents, representatives, officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

8. Texas Hispanic Judges and Commissioners. The term “Texas Hispanic Judges and Commissioners” means the Texas Association of Hispanic County Judges and County Commissioners.

9. Present. The term “Present” means June 11, 2014, or any such date on which the oral deposition of Texas Hispanic Judges and Commissioners occurs in the above-captioned litigation.

10. Communication & Communicated. The terms “communication” and “communicated” mean the transmittal of information in the form of facts, ideas, inquiries, or otherwise.

11. Election Crimes. The term “Election Crimes” means intentional acts or willful failures to act, prohibited by state or federal law, that are designed to cause ineligible persons to participate in the election process; eligible persons to be excluded from the election process; ineligible votes to be cast in an election; eligible votes not to be cast or counted; or other interference with or invalidation of election results. “Election Crimes” includes any criminal form of Voter Fraud.

12. Voter Fraud. The term “Voter Fraud” is defined as fraudulent or deceptive acts committed to influence the act of voting, and includes both criminal and civil offenses and violations. “Voter Fraud” includes, but is not limited to, (1) making or knowingly possession a counterfeit of an official election ballot; (2) signing a name other than one’s own to a petition proposing an initiative, referendum, recall, or nomination of a candidate for office; (3) knowingly signing more than once for the proposition, question, or candidate in one election; (4) signing a petition proposing an initiative or referendum when the signer is not a qualified voter; (5) voting or attempting to vote in the name of another person; (6) voting or attempting to vote more than once during the same election; (7) intentionally making a false affidavit, swearing falsely, or falsely affirming under an oath required by statute regarding one’s voting status, including when registering to vote, requesting an absentee ballot or presenting to vote in person; (8) registering to vote without being entitled to register; (9) knowingly making a materially false statement on an application for voter registration or re-registration; (10) voting or attempting to vote in an election after being disqualified or when the person knows that he/she is not eligible to vote; and/or (11) knowingly soliciting or encouraging a person who is not qualified to vote in an election.

MATTERS

1. The factual basis of your claims or defenses in this lawsuit, including any contention that SB 14, as enacted by the State of Texas’ 82nd Legislature, was (1) enacted with a discriminatory purpose and intent and (2) results in

denying and abridging the right to vote on account of race and language minority status.

2. Any interest you have in the above-captioned litigation that is not adequately represented by the Plaintiff United States of America.
3. The identity of your members on September 27, 2013.
4. The identity of your members on November 15, 2013.
5. The identity of your members on February 4, 2014.
6. The identity of your members at Present.
7. Your activities related to voter identification legislation proposed or enacted in Texas since 2004.
8. Your activities relating to voter identification legislation proposed or enacted by any other United States state that is not Texas, any United States territory or outlying possession, or the District of Columbia since 2004.
9. Any policymaking or advocacy-related work performed by you or on your behalf regarding voter identification since 2004.
10. Your activities relating to voter registration since 2004.
11. Your activities relating to voter education since 2004.
12. Your activities relating to assisting voters during elections since 2004.
13. Any activities by you or on your behalf regarding SB 14.
14. All written testimony, talking points, or public statements made by you regarding SB 14.
15. Any calculations, reports, audits, estimates, projections, or other analyses related to the effect of SB 14 on minority voters or on voters who are members of a language minority group, from 2005 to the Present.

16. The identity of each registered voter known to you on September 27, 2013, who you contend has been unable to vote on account of his or her inability to obtain photographic identification specified by SB 14 as enacted by the State of Texas' 82nd Legislature.
17. The identity of each registered voter known to you on November 15, 2013, who you contend has been unable to vote on account of his or her inability to obtain photographic identification specified by SB 14 as enacted by the State of Texas' 82nd Legislature.
18. The identity of each registered voter known to you on February 4, 2014, who you contend has been unable to vote on account of his or her inability to obtain photographic identification specified by SB 14 as enacted by the State of Texas' 82nd Legislature.
19. The identity of each registered voter known to you at Present, who you contend has been unable to vote on account of his or her inability to obtain photographic identification specified by SB 14 as enacted by the State of Texas' 82nd Legislature.
20. Attempts made from 2011 to the Present by each registered voter known to you on September 27, 2013 who you contend has been unable to vote on account of his or her inability to obtain photographic identification specified by SB 14 as enacted by the State of Texas' 82nd Legislature to obtain such a form of photographic identification.
21. Attempts made from 2011 to the Present by each registered voter known to you on November 15, 2013 who you contend has been unable to vote on account of his or her inability to obtain photographic identification specified by SB 14 as enacted by the State of Texas' 82nd Legislature to obtain such a form of photographic identification.
22. Attempts made from 2011 to the Present by each registered voter known to you on February 4, 2014 who you contend has been unable to vote on account of his or her inability to obtain photographic identification specified by SB 14 as enacted by the State of Texas' 82nd Legislature to obtain such a form of photographic identification.

23. Attempts made from 2011 to the Present by each registered voter known to you at the Present who you contend has been unable to vote on account of his or her inability to obtain photographic identification specified by SB 14 as enacted by the State of Texas' 82nd Legislature to obtain such a form of photographic identification.
24. Any change in the number of voters who are your members and participated in elections between 2011 and 2013.
25. The allegation in Paragraph 13 of your Federal Complaint that "SB 14 substantially undermines the Hispanic Judges and Commissioners ability to fulfill their traditional responsibility and requires them, instead, to focus on ensuring that its existing young voters are able to cross the threshold of polling stations' doors on Election Day."
26. The allegation in Paragraph 23 of your Federal Complaint that "[b]ecause of the discriminatory voting requirements imposed by SB 14, many of the counties represented by the HJ&C are required to divert their limited resources (financial and other) away from fulfilling its core mission of registering voters and conducting elections without the added administrative burden of the SB 14 picture ID requirements."
27. The allegation in Paragraph 24 of your Federal Complaint that "Texas Counties are now required to undertake such activities as: (a) assessing whom, among its members and constituency, lacks one of the forms of required photo IDs under SB 14 and/or determining which such IDs (or underlying documents required to obtain them) each member/constituent needs; (b) hosting public education campaigns designed to inform young voters of color that Defendants' previously court- rejected photo ID law is now in effect; and (c) providing financial assistance and transportation to young voters that lack the required photo IDs and/or underlying documents, so that they can acquire them."
28. Any allegations (whether substantiated or unsubstantiated) or concerns relating to Election Crimes, raised by your members, or which were communicated to you, from 2004 to the Present.

29. Any allegations (whether substantiated or unsubstantiated) or concerns relating to Voter Fraud, raised by your members, or which were communicated to you, from 2004 to the Present.
30. Any calculations, reports, audits, estimates, projections, or other analyses done by you, commissioned by you, or in your possession, custody, or control, relating to Voter Fraud, from 2004 to the Present.
31. Any calculations, reports, audits, estimates, projections, or other analyses done by you, commissioned by you, or in your possession, custody, or control, relating to Election Crimes, from 2004 to the Present.

Dated: July 10, 2014

Respectfully submitted,

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COUNSEL FOR THE STATE OF TEXAS,
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MCCRAW

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2014, I served a true and correct copy of the foregoing document is being served via electronic mail to all counsel of record.

/s/ John B. Scott
JOHN B. SCOTT